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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,185	06/14/2001	Tsuneharu Takeda	01362/LH	8009

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EXAMINER

SON, LINH L D

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/882,185	Applicant(s) TAKEDA, TSUNEHARU	
	Examiner Linh LD Son	Art Unit 2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). *the request for reconsideration*
7. ☒ For purposes of appeal, ~~the proposed amendment(s):~~ a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 16-18.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 12/21/2005 have been fully considered but they are not persuasive.
2. As per remark on page 4, Applicant argues that Yamamoto does not disclose, teach or suggest a sub-block attribute setting section, which sets a sub ciphering attribute for each of the sub-blocks for use in ciphering. On page 3, applicant recites Yamamoto disclosure: "In the example given . . . if there are 15 blocks of plaintext and the number "s" is 10 (see column 18, lines 36-39), then the first 10 blocks are ciphered with a first key k1, and the next 5 blocks are ciphered with the next key k2." Base on the disclosure, it is clearly that the plaintext comprises of 2 blocks, and the first block has 10 sub-blocks and the second block has 5 sub-blocks. The first block has a ciphering attribute of k1, and the second block has a ciphering attribute of k2. The 10 sub-blocks of the first block has the ciphering attribute of k1, and the 5 sub-blocks of the second block has the ciphering attribute of k2. Figure 2 of Yamamoto discloses clearly the sub-block ciphering setting section where all the ciphering attributes are setup to use for encrypting the plain text blocks.
3. As per remark on pages 5-6, applicant argues that "Chiba et al does not discloses, teach or even remotely suggest that the 8x8 pixel blocks are first encoded (with a sub ciphering attribute), and that the macro blocks are then encoded (with a ciphering attribute)". In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

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F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. As per rejection dated 09/22/05, Examiner rejects claims 16-18 under 35 U.S.C 103(a) as being unpatentable over Yamamto in view of Chiba. As recited in the office action dated 09/22/05, Yamamto discloses a method of dividing the plaintext into blocks and further sub dividing the block into sub-block accordingly. As recites in point 2 above: *"the plaintext comprises of 2 blocks, and the first block has 10 sub-blocks and the second block has 5 sub-blocks. The first block has a ciphering attribute of k1, and the second block has a ciphering attribute of k2. The 10 sub-blocks of the first block has the ciphering attribute of k1, and the 5 sub-blocks of the second block has the ciphering attribute of k2. Figure 2 of Yamamto discloses clearly the sub-block ciphering setting section where all the ciphering attributes are setup to use for encrypting the plain text blocks."* However, Yamamto does not disclose "a block ciphering section which ciphers the at least one block that includes the ciphered data of the sub-blocks (taught by Yamamto) in accordance with the ciphering attribute corresponding to the block set by the block attribute setting section". Nevertheless, Chiba does disclose a method of dividing image data into blocks (Macro block with ID) and further subdivide the block into sub-block. The Macro block including the sub-blocks, which is then gets encoded in accordance with the Macro block's ID (ciphering attribute) (Col 11 lines 1-26), which discloses the "block ciphering section". It is clearly that the combination of Yamamto and Chiba teach the claim invention.

5. The rejection basis dated 09/22/05 is maintained.


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